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FEB 24 2006
PATENT CASE: CN01622

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: Wu et al.	: Examiner: Brenda L. Coleman
	: :
For Patent: Selective D1/D5 Receptor	: Date: February 24, 2006
Antagonists for the Treatment of	: :
Obesity and CNS Disorders	: :
	: :
	: Group Art Unit: 1624
Serial No.: 10/649,495	: :
	: :
Filed: 08/27/2003	: :
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	Schering-Plough Corporation
	Kenilworth, New Jersey 07033

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Restriction Requirement

Sir:

In response to the species election requirement mailed on November 25, 2005 for the above-identified application, applicants respond as follows. A response for this restriction requirement was due on December 25, 2005. Therefore, this response, as sent with a request for two-month extension of time, is to be considered timely.

The Examiner stated that Claims 1-39 are pending in the application.

The Examiner restricted the claims into four groups:

Group I covering claims 1-4, 9, 11, 13, 15, 16, 19-23, 25, 27, 32, 34, 36 and 38 drawn to compounds of formula I, compositions and methods of use of compounds of formula I.

Group II covering claims 5-8, 10, 12, 14, 17, 18, 24, 26, 28, 33, 35, 37 and 39 drawn to compounds of formula II, compositions and methods of use of compounds.

Group III, claims 29 and 31 drawn to compositions of formula I, which include a second active ingredient.

Group IV, claim 30 drawn to compositions of formula II, which include a second active ingredient.

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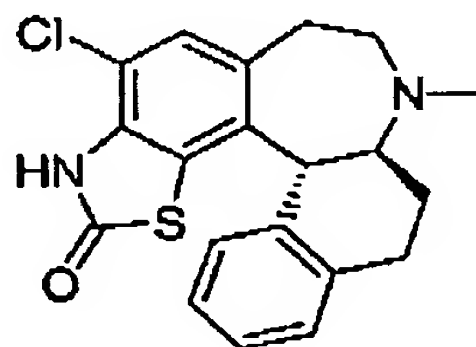
The Examiner advised applicants to elect a Group to be examined and to identify the claims reading thereon, as well as elected a single disclosed species.

Applicants are puzzled by the restrictions of the claims by the Examiner and believe that claims 1-39 form part of one and the same invention. Applicants believe that when there is a linking generic claim encompassing the scope of all the compounds, pharmaceutical compositions comprising them and methods of treatment using them, it is inappropriate to restrict the invention to a single compound. Applicants also believe that due to such commonality a complete examination of claims 1-39 would not cause undue burden. Applicants further believe that the same art search will most probably apply to the alleged separate inventions. Applicants are equally confused as to why the compositions that rely on the compounds and pharmaceutical compositions of elected Group II have been restricted out. Applicants also are of the belief that Groups I-IV would not cause an undue burden to the Examiner to examine them together. At a minimum, applicants respectfully suggest that those claims of Group IV, that rely on the compounds of group II, should NOT be restricted out of the pending application.

Reconsideration and withdrawal of the restriction requirement is therefore respectfully requested.

However, for the sake of facilitation of prosecution and in order to comply with the Examiner's requirement, Applicants initially elect the claims that the Examiner has identified as belonging to Group II, with traverse.

Further, applicants tentatively elect the following single species to be examined.



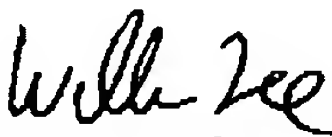
This compound is herein described on page 22 (compound 25A) of the specification, and in claim 10.

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The Examiner is requested to call the undersigned attorney on any matter connected with this application.

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Respectfully Submitted,


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